APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/676,899	09/30/2003	Dan Jones	45098.00010-ORD-U1	8061

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EXAMINER
MOORE JR, MICHAEL J

ART UNIT	PAPER NUMBER
2619	

NOTIFICATION DATE	DELIVERY MODE
05/21/2008	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mazarinelli@west.com

	Application No.	Applicant(s)
	10/676,899	JONES ET AL.
Office Action Summary	Examiner	Art Unit	
	MICHAEL J. MOORE JR	2619	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 February 2008</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>87-104</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>87-104</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
         application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set
forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this
application is eligible for continued examination under 37 CFR 1.114, and the fee set
forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action
has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/29/08
has been entered.

Information Disclosure Statement

2.   The information disclosure statement (IDS) submitted on 3/31/08 is in
compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure
statement is being considered by the examiner.

Claim Objections

The amendment made by Applicant to claim **87** to obviate the claim objection
presented in the previous Office Action is proper and has been entered. This objection
has been withdrawn.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

4.   Claims **87-104** are rejected under 35 U.S.C. 112, second paragraph, as being
indefinite for failing to particularly point out and distinctly claim the subject matter which
applicant regards as the invention.

Regarding *amended* claims **87-94**, it is unclear from Applicant's claim language and the specification, how "resources for establishing the multimedia conference" are "an instance of a conference logging service". Specifically, it is not clear what "an instance" of "a conference logging service" is or how some or all of "the resources for establishing the multimedia conference" constitute this "instance". These claims are therefore held indefinite. Further clarification is requested.

Regarding *amended* claims **95-104**, it is unclear from Applicant's claim language and the specification, how "a plurality of services" that are "distributed over the communications network" are "an instance of a conference logging service". Specifically, it is not clear what "an instance" of "a conference logging service" is or how "a plurality of services" constitute this "instance". These claims are therefore held indefinite. Further clarification is requested.

Claim Rejections - 35 USC § 103

5.　　The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6.　　This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

7.   Claims **87-104** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Ludwig et al. (U.S. 6,237,025) (hereinafter "Ludwig") in view of Yoakum et al. (U.S.

7,139,797) (hereinafter "Yoakum") cited in Applicant's submitted IDS.

        Regarding claim **87**, *Ludwig* teaches the audio/video/data teleconferencing

(plurality of services) provided among CMWs 12 by MLAN server 60 (service endpoint)

of Figure 3 as spoken of on column 8, lines 43-58.

        Ludwig also teaches the setting up (enabling) of required audio/video and data

paths between CMWs 12 (user endpoints) by MLAN server 60 of Figure 3 as spoken of

on column 8, line 66 – column 9, line 6.

        Ludwig also teaches initiating CMW 12 signaling MLAN server 60 via Data LAN

hub 25 identifying the desired conference participants as spoken of on column 8, line 67

– column 9, line 1.

        Ludwig also teaches MLAN server 60 that determines which conferees (identifies

user endpoints) will accept a conference call request as spoken of on column 9, lines 1-

6.

        Ludwig also teaches MLAN servers 60 (service endpoints) of the involved

MLANs 10 that control their respective A/V switching circuitry 30, conference bridges

35, and WAN gateways 40 to set up appropriate communication paths (identify subset

of services) as spoken of on column 9, lines 7-11.

   Ludwig also teaches MLAN servers 60 (service endpoints) that communicate
with one another via data paths so that each MLAN 10 contains updated information
(message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints)
as spoken of on column 9, lines 13-17.

   Ludwig also teaches the respective MLAN servers 60 (service endpoints) of the
involved MLANs 10 of Figures 1 and 4, that control their respective (distributed) A/V
switching circuitry 30, conference bridges 35, and WAN gateways 40 (resources) to set
up appropriate communication paths via WAN 15 in order to interconnect the conferees
as spoken of on column 9, lines 7-12.

   Ludwig also teaches the transmission of appropriate audio and video signals
(messages) to/from each participant's CMW 12 as spoken of on column 19, lines 35-38.

   Ludwig also teaches conference participants that initiate data conferencing
services (newly selected service) with selected participant CMWs involved in a
videoconference via MLAN server 60 (service endpoint) as spoken of on column 8, lines
20-22 as well as column 26, lines 47-63.

   Ludwig does not explicitly teach "wherein the resources are an instance of a
conference logging service that is located via a presence service, wherein the
conference logging service publishes its presence with the presence service, wherein
the presence service removes a pending presence entry of the conference logging
service and replaces it with an actual presence entry".

   However, *Yoakum* teaches a method of maintaining presence information of
users participating in multimedia communication sessions, where a presence system 20

(presence service) accesses a database (logging service) that is used to store a

collection of communication capabilities (presence entries) for various communication

devices participating in communication sessions as spoken of on column 5, lines 58-65.

Yoakum further states on column 5, lines 58-65, how this database (logging service)

may be updated (entry replacement) in any fashion and at any frequency.

At the time of the invention, it would have been obvious to someone of ordinary

skill in the art, given these references, to combine the presence teachings of *Yoakum*

with the teachings of *Ludwig* in order to provide a way to indicate the communication

capabilities and availability of a user actively participating in a communication session to

other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **88**, *Ludwig* further teaches the audio, video, text, graphics, and

mail capabilities provided in the collaboration system of Figure 1 as spoken of on

column 8, lines 41-49, as well as the respective MLAN servers 60 (service endpoints) of

the involved MLANs 10 of Figures 1 and 4, that control their respective (distributed) A/V

switching circuitry 30, conference bridges 35, and WAN gateways 40 (resources) to set

up appropriate communication paths via WAN 15 in order to interconnect the conferees

as spoken of on column 9, lines 7-12.

Regarding claim **89**, *Ludwig* further teaches the addition of one or more parties

(temporary conference endpoint) to an existing two-party call as spoken of on column

24, lines 45-53.

Regarding claim **90**, *Ludwig* further teaches the communication path establishment between CMWs at the same location (directly in same domain) spoken of on column 9, lines 1-6.

Regarding claim **91**, *Ludwig* further teaches the communication path establishment between CMWs at distant locations via MLAN servers 60 (intermediate service endpoints) and WAN 15 of Figure 1 as spoken of on column 9, lines 7-12.

Regarding claim **92**, *Ludwig* further teaches the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **93**, *Ludwig* further teaches the connection provided to a new invited participant CMW as spoken of on column 25, lines 23-32.

Regarding claim **94**, *Ludwig* further teaches the optimal routing for audio/video signals (determining most suitable service endpoint) through the WAN as shown in Figure 4 and spoken of on column 10, lines 61-67.

Regarding claim **95**, *Ludwig* teaches the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

Ludwig also teaches the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1 as well as the multiple simultaneous conference session capability spoken of on column 37, lines 44-54.

Ludwig also teaches the audio/video/data teleconferencing (plurality of services) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

Ludwig also teaches initiating CMW 12 (endpoint) signaling MLAN server 60 via Data LAN hub 25 identifying the desired conference participants as spoken of on column 8, line 67 – column 9, line 1, as well as MLAN servers 60 (service endpoints) that communicate with one another via data paths so that each MLAN 10 contains updated information (message routing mesh) as to the capabilities of the system CMWs 12 (user endpoints) as spoken of on column 9, lines 13-17.

Ludwig also teaches the simultaneous conferencing involving a user roaming from one active conference session to another active conference session as spoken of on column 37, lines 32-54.

Ludwig does not explicitly teach "wherein the services are an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry".

However, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65.

Yoakum further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the presence teachings of *Yoakum* with the teachings of *Ludwig* in order to provide a way to indicate the communication capabilities and availability of a user actively participating in a communication session to other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **96**, *Ludwig* further teaches the audio, video, text, graphics, and mail capabilities provided in the collaboration system of Figure 1 as spoken of on column 8, lines 41-49.

Regarding claim **97**, *Ludwig* further teaches the tracking of party location spoken of on column 9, lines 13-17.

Regarding claim **98**, *Ludwig* teaches the collaboration system shown in Figure 1 that conducts multiple conference sessions among CMWs 12 of MLANs 10 as spoken of on column 5, line 63 – column 6, line 7.

Ludwig also teaches the CMWs 12 (endpoints) of MLANs 10 shown in Figure 1.

Ludwig also teaches the audio/video/data teleconferencing (plurality of services) provided among CMWs 12 by MLAN server 60 (service endpoint) of Figure 3 as spoken of on column 8, lines 43-58.

Ludwig also teaches the adding or removing of participants from a session as spoken of on column 21, lines 55-64.

   Ludwig also teaches the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

   Ludwig does not explicitly teach "wherein the services are an instance of a conference logging service that is located via a presence service, wherein the conference logging service publishes its presence with the presence service, wherein the presence service removes a pending presence entry of the conference logging service and replaces it with an actual presence entry".

   However, *Yoakum* teaches a method of maintaining presence information of users participating in multimedia communication sessions, where a presence system 20 (presence service) accesses a database (logging service) that is used to store a collection of communication capabilities (presence entries) for various communication devices participating in communication sessions as spoken of on column 5, lines 58-65. *Yoakum* further states on column 5, lines 58-65, how this database (logging service) may be updated (entry replacement) in any fashion and at any frequency.

   At the time of the invention, it would have been obvious to someone of ordinary skill in the art, given these references, to combine the presence teachings of *Yoakum* with the teachings of *Ludwig* in order to provide a way to indicate the communication capabilities and availability of a user actively participating in a communication session to other users as spoken of on column 2, lines 30-42 of *Yoakum*.

Regarding claim **99**, *Ludwig* further teaches the additional collaborative services such as mail, application sharing, etc. available for CMWs of a session as spoken of on column 19, lines 47-54.

Regarding claim **100**, *Ludwig* further teaches the use of software 160 (program) of Figure 20 to initiate and manage collaborative sessions with other users (additional users) as spoken of on column 18, lines 36-42.

Regarding claim **101**, *Ludwig* further teaches the selection of appropriate audio and video signals to be transmitted to/from each participant's CMW as spoken of on column 19, lines 29-37.

Regarding claim **102**, *Ludwig* further teaches the database access services spoken of on column 8, line 47-49.

Regarding claim **103**, *Ludwig* further teaches the audio file access service spoken of on column 8, lines 47-49.

Regarding claim **104**, *Ludwig* further teaches the video file access service spoken of on column 8, lines 47-49.

Response to Arguments

8.   Applicant's arguments with respect to *amended* claims **87-104** have been considered but are moot in view of the new ground(s) of rejection provided above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. MOORE, JR., whose telephone number is

(571)272-3168. The examiner can normally be reached on Monday-Friday (7:30am -
4:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wing F. Chan can be reached at (571) 272-7493. The fax phone number
for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
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USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J. Moore, Jr./
Examiner, Art Unit 2619